



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WASTE MANAGEMENT  
120 Rt. 156, Yardville, N.J. 08620

DR. MARWAN M. SADAT, P.E.  
DIRECTOR

LINO F. PEREIRA  
DEPUTY DIRECTOR

AUG 27 1985

Orbis Products Corporation  
55 Virginia Street  
Newark, NJ 07102

Attention: Clifford Kuchenmeister  
Manager

Re: Penalty Settlement Offer

Dear Mr. Kuchenmeister:

Attached is an Administrative Order concerning a violation of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq and regulations promulgated thereunder, specifically N.J.A.C. 7:26-7.6(f)2.

Pursuant to the terms of the Administrative Order, the violations must be corrected and the rules and regulations of this Department must be complied with by the specified date.

In addition, a penalty settlement offer of \$875.00 will be held open until **SEP 10 1985** to allow for an amicable resolution of this statutory claim for the referenced violation. Be advised that N.J.S.A. 13:1E-9c provides for a maximum civil penalty of \$25,000 per day for violations of this nature.

In the event of non-compliance with the Administrative Order and/or non-acceptance of this penalty settlement offer, this matter will be referred to the Office of the Attorney General for the initiation of litigation to enforce the Order and seek the full penalties allowed by law.


Should you wish to discuss the specifics for acceptable compliance with these directives, contact Dina DiMarsico at (609) 292-9592.

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Mr. Clifford Kuchenmeister  
Orbis Products Corporation  
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Be advised that such discussion will not automatically delay or otherwise extend the deadline for compliance with the Administrative Order.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Joseph A. Rogalski".

Joseph A. Rogalski  
Assistant Director  
Field Operations, Compliance  
and Enforcement

F01:F026:lmc  
Attachments



**State of New Jersey**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
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DR. MARWAN M. SADAT, P.E.  
 DIRECTOR

LINO F. PEREIRA  
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AUG 27 1985

(IN THE MATTER OF )  
 (ORBIS PRODUCTS CORPORATION)

ADMINISTRATIVE  
 ORDER

The following FINDINGS are made and ORDER is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (Department) by N.J.S.A. 13:1D-1 et seq., the Solid Waste Management Act, as amended and supplemented, N.J.S.A. 13:1E-1 et seq., and duly delegated to the Assistant Director for Enforcement and Field Operations, Division of Waste Management, pursuant to N.J.S.A. 13:1B-4.

FINDINGS

- 1) The New Jersey Department of Environmental Protection (hereinafter "the Department") has determined that Orbis Products Corporation is operating a hazardous waste facility (EPA ID #NJD010910099) as defined by N.J.A.C. 7:26-1.4 and is located at Block 96, Lot 81, 55 Virginia Street, Newark City, Essex County, New Jersey.
- 2) As a result of the information included in your company's RCRA Part A submittal to the USEPA, Region II, your hazardous waste activities were classified as a TSD (Treatment, Storage or Disposal) facility status. Pursuant to the provisions of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Department of Environmental Protection has determined by examination of our files that you failed to submit a 1984 TSD Facility Annual Report by March 1, 1985, in violation of N.J.A.C. 7:26-7.6(f)2.
- 3) N.J.A.C. 7:26-7.6(f)2 states: The owner or operator must prepare and submit two copies of an annual report to the Department by March 1 of each year. The report must include:
  - i. The EPA identification number, name and address of the facility.
  - ii. The calendar year cover by the report.

- iii. A compilation of the daily operating record kept pursuant to N.J.A.C. 7:26-9.1 et seq. for the calendar year covered by the report.
- iv. A summary of all manifest numbers for all hazardous waste received, identifying those shipments which were rejected in whole or in part and identifying those shipments where a discrepancy occurred.
- v. For each type of hazardous waste accepted, a report of the total quantity received and the quantities consigned to each treatment, recovery, or disposal process used. The report shall include the quantities of each waste type placed into storage and removed from storage during the reporting period.
- vi. Monitoring data under N.J.A.C. 7:14A-6.1 et seq. (Rules of the Division of Water Resources), where required.
- vii. The most recent closure cost estimate under N.J.A.C. 7:26-9.8 and the most recent post-closure cost estimate under N.J.A.C. 7:26-9.9, where applicable.
- viii. A certification signed and dated by the owner or operator of the facility or his authorized representative stating "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete, I am aware that there are significant penalties under N.J.S.A. 7:1E-1 et seq. for submitting false information, including the possibility of fine and imprisonment."

ORDER

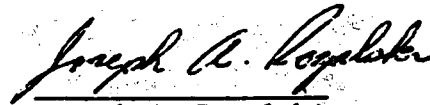
NOW, THEREFORE, IT IS HEREBY ORDERED that Orbis Products Corporation, its principals, agents, employees, successors, assigns, tenants, and any receiver or trustee in bankruptcy appointed pursuant to a proceeding in law or equity, (should such an entity be appointed to take control of the facility which is the subject of this Order) shall:

- 4) Within fifteen (15) calendar days of receipt of this Order submit the required 1984 TSD annual report to:

Orbis Products Corporation  
Administrative Order  
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New Jersey Department of Environmental Protection  
Division of Waste Management  
Bureau of Compliance & Enforcement  
120 Route. 156  
Yardville, NJ 06820  
Attention: Dina DiMarsico

BE ON NOTICE that the maximum civil penalty for violations of the  
Solid Waste Management Act or an ORDER issued pursuant thereto is  
\$25,000 per day.

  
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Joseph A. Rogalski  
Assistant Director

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